

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

2012 NOV 30 PM 2:15

GERALD BERNARD DATTS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

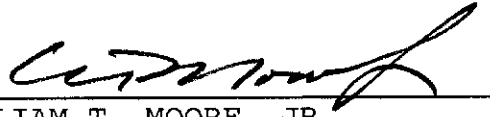
CLERK   
SO. DIST. OF GA.

CASE NOS. CV412-009  
CR410-091

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 10), to which no objections have been filed. After a careful de novo review of the record, the report and recommendation is **ADOPTED** as the Court's opinion in this case. Accordingly, the 28 U.S.C. § 2255 petition is **GRANTED**. As a result, Petitioner's sentence in the underlying criminal case, 4:10-cr-091, is **VACATED** and an identical sentence is **REIMPOSED**. Petitioner's newly appointed counsel, Mr. Chauncey Napoleon Barnwell, is **DIRECTED** to file a notice of appeal on Petitioner's behalf. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 30<sup>th</sup> day of November 2012.

  
WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA